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Attorneys for Defendants  
Merck & Co., Inc.  
Schering-Plough Corporation  
Merck/Schering-Plough Pharmaceuticals

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

**MIRCEA MURESAN, on behalf of  
himself and others similarly situated,**

**Plaintiff,**

v.

**MERCK & CO., INC., SCHERING-  
PLOUGH CORPORATION, and  
MERCK/SCHERING-PLOUGH  
PHARMACEUTICALS**

**Defendants.**

CASE NO. 4:08-cv-00929-SBA

**STIPULATION AND [PROPOSED]  
ORDER EXTENDING TIME TO  
ANSWER, MOVE OR OTHERWISE  
RESPOND TO COMPLAINT  
PENDING DECISION ON  
TRANSFER BY JUDICIAL PANEL  
ON MULTIDISTRICT LITIGATION**

The Plaintiff Mircea Muresan ("Plaintiff") and Defendants Merck & Co., Inc., Schering-Plough Corp., and Merck/Schering-Plough Pharmaceuticals ("Defendants") by and through their counsel, hereby stipulate as follows:

1. That Plaintiff filed the Complaint in this action on February 13, 2008;

2. That the last day for Merck/Schering-Plough Pharmaceuticals to file a responsive pleading is March 17, 2008, and the last day for Schering-Plough Corp. to file a responsive pleading is March 18, 2008;

3. That a hearing is scheduled before the Judicial Panel on Multidistrict Litigation ("JPML") in Austin, Texas for March 27, 2008. At that hearing, the JPML shall consider the centralization of this, and other, pending actions involving the pharmaceuticals Vytarin and Zetia;

4. That Defendants wish to defer their responses to Plaintiff's Complaint until the conclusion of the JPML hearing; and

5. That Plaintiff agrees to an extension of time as set forth in the proposed Order below.

DATED: March \_\_\_, 2008.

REED SMITH LLP

By /s/ Steven J. Boranian

Steven J. Boranian  
Attorneys for Defendants  
Merck & Co., Inc.  
Schering-Plough Corporation  
Merck/Schering-Plough Pharmaceuticals

DATED: March \_\_\_ 2008.

GIRARD GIBBS LLP

By /s/ Eric Gibbs

Eric Gibbs  
Attorneys for Plaintiff

### **[PROPOSED] ORDER**

This matter having come before the Court on application of the Defendants for an extension of time to answer, move or otherwise respond to the Complaint pending a decision on centralization of this and other matters by the Judicial Panel on Multidistrict Litigation ("MDL Panel") in MDL

1 Docket No. 1938, In Re Vytarin/Zetia Marketing, Sales and Products Liability Litigation, and the  
2 Plaintiff having stipulated to the extension on the terms set forth below, it is hereby

3  
4 ORDERED that the Defendants shall notify the Court of the decision of the MDL Panel  
5 within three business days after the MDL Panel issues its decision, and it is further

6  
7 ORDERED that the time within which the Defendants may answer, move or otherwise  
8 respond to the Complaint in the above matter is hereby extended to a date to be set at the first  
9 scheduling conference after the MDL Panel issues its decision, and it is further

10  
11 ORDERED that if the Defendants file a responsive pleading in any other similar action  
12 pending in another federal district court, they shall notify the Plaintiff's counsel before filing such a  
13 pleading, and the Plaintiff may then file a motion to amend this Order. Defendants reserve the right  
14 to oppose such a motion, and it is further

15  
16 ORDERED that nothing in this Order shall prevent any party to this action from filing any  
17 and all pleadings, motions and/or responses the party deems necessary or otherwise appropriate  
18 before the MDL Panel concerning transfer and/or centralization of this or other action(s).

19  
20 IT IS SO ORDERED.

21  
22  
23 HON. SAUNDRA BROWN ARMSTRONG, U.S.D.J.

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